



## 1997 ASSEMBLY BILL 926

March 17, 1998 - Introduced by Representatives GOETSCH, PORTER, OLSEN, DOBYNS, OWENS, MUSSER, J. LEHMAN and GRONEMUS, cosponsored by Senators FITZGERALD and ROESSLER. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to renumber and amend 979.015; to amend 979.015 (title); and to**  
2     **create 979.015 (2) of the statutes; relating to:** access to records of county  
3     sheriffs, superintendents of county houses of correction and the department of  
4     corrections for coroners and medical examiners.

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### *Analysis by the Legislative Reference Bureau*

Currently, if a person dies under certain circumstances, such as in a case of homicide or suicide, or due to poisoning or an accident, the coroner or medical examiner of the county where the death occurred must be notified. Once the coroner or medical examiner is notified of the death, the coroner or medical examiner may take for analysis any and all specimens, body fluids and any other material which will assist him or her in determining the cause of death. In addition, in homicide and suicide cases, or in cases in which the death occurred under unexplained or suspicious circumstances, the coroner or medical examiner may order the taking of an autopsy. Finally, the coroner or medical examiner may request a court to issue a subpoena requiring the production of any documents, including medical records, that are needed for the coroner or medical examiner to make a determination of the cause of death.

This bill provides that, instead of having to request a court to issue a subpoena, a coroner or medical examiner may directly request the department of corrections (DOC) a county sheriff or a superintendent of a county house of correction to produce any documents, including medical records, that are in the possession, custody or control of the sheriff, superintendent or DOC and that are needed for the coroner or

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medical examiner to make a determination of the cause of a person's death. If a coroner or medical examiner requests such documents from a sheriff, superintendent or DOC, the sheriff, superintendent or DOC must allow the coroner or medical examiner to inspect and copy the documents. Under the bill, a coroner or medical examiner could still request a court to issue a subpoena requiring any person, including a sheriff, superintendent or DOC, to produce documents, as provided under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 979.015 (title) of the statutes is amended to read:

2           **979.015 (title) Subpoena for documents; access to documents without**  
3           **subpoena.**

4           **SECTION 2.** 979.015 of the statutes is renumbered 979.015 (1) and amended to  
5 read:

6           979.015 (1) Upon the request of ~~the~~ a coroner, medical examiner or district  
7 attorney, a court shall issue a subpoena requiring the production of documents  
8 necessary for the determination of a decedent's cause of death.

9           **(3)** The documents required to be produced under sub. (1) or (2) may include  
10 the decedent's patient health care records and treatment records, as defined in ss.  
11 51.30 and 146.81 (4). ~~The~~

12           **(4)** If documents are required to be produced by a subpoena issued under sub.  
13 (1), the documents shall be returnable to the officer named in the subpoena.

14           **SECTION 3.** 979.015 (2) of the statutes is created to read:

15           979.015 (2) Upon the request of a coroner or medical examiner, a sheriff, a  
16 superintendent of a house of correction or the department shall produce for  
17 inspection and copying by the coroner or medical examiner any documents that are

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1 in the possession, custody or control of the sheriff, superintendent or department and  
2 that are necessary for the determination of a decedent's cause of death.

3 (END)